

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1378-01  
Bill No.: HB 483  
Subject: Crimes and Punishment; Children and Minors  
Type: Original  
Date: March 7, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

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### ASSUMPTION

Officials from the **Office of Prosecution Services** and **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Social Services** assume the proposed legislation will not affect the operation of the Child Abuse or Neglect Hotline.

Officials from the **Office of the State Public Defender (SPD)** assume, for the purpose of this proposed legislation, existing staff could provide representation for those 5 to 10 cases arising where indigent persons were charged with the crime of indecent solicitation of a child. However, passage of more than one similar proposal would require the State Public Defender System to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume the DOC cannot currently predict the number of new commitments which may result from the creation of the offense(s) as outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders;
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence; and
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

The DOC does not anticipate the need for additional capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

### ASSUMPTION (continued)

In summary, supervision by the DOC through probation or incarceration would result in some

additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

**Oversight** assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Department of Corrections</u> Incarceration/Probation costs	<b>(Less than <u>\$100,000</u>)</b>	<b>(Less than <u>\$100,000</u>)</b>	<b>(Less than <u>\$100,000</u>)</b>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

This proposal creates the crime of indecent solicitation of a child and makes it a class D felony. Indecent solicitation of a child is committed when a person at least 17 years old solicits or arranges, by means that include but are not limited to oral and written communications and communications by electronic means, various acts with a child less than 13 years old. These acts include forcible rape, statutory rape in the first degree, sexual assault, forcible sodomy, statutory sodomy in the first degree, child molestation in the first and second degree, deviate sexual assault, or sexual abuse. Mistake of age is not a defense.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Social Services

BLG:LR:OD (12/00)

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Office of State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA  
Director

March 7, 2001